

THE CELEBRATED
S P E E C H E S

OF

Colonel HENRY FLOOD,

ON THE REPEAL OF THE

DECLARATORY ACT,

OF THE 6th GEORGE III.

AS DELIVERED IN THE
HOUSE of COMMONS of IRELAND,

On the 11th and 14th of June, 1782.

ALSO, THE

S P E E C H

OF

LORD ABINGDON,

In the **ENGLISH HOUSE of PEERS** the 5th of July 1782.

ON INTRODUCING HIS BILL FOR A

DECLARATION OF RIGHT

OVER EVERY PART OF THE

BRITISH DEPENDENCIES.

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ADVERTISEMENT.

The momentous Concern of the Question to which *Colonel FLOOD's* interesting **SPEECHES** relate, induces the Publisher to think, that to print them *neatly, accurately, and entire*, will be highly acceptable to every Volunteer, Citizen, and Freeman, who wish the future Prosperity of Ireland---the total and absolute Independence of her Legislature---and the everlasting Settlement of her Constitution on a firm and immovable Basis.



COLONEL FLOOD'S
S P E E C H
ON THE REPEAL OF THE
DECLARATORY ACT
OF THE 6th GEORGE 1st.

*As delivered in the HOUSE of COMMONS of IRELAND,
on TUESDAY, the 11th Day of JUNE, 1782.*

MR. FLOOD asked the Secretary, what the nature and extent of the repeal of the Declaratory Law of England, with regard to Ireland, was to be; that is to say, whether it was to be barely repealed, or whether the legal principle or right was also to be renounced?—The Secretary said, he believed it was to be a mere repeal, but as the bill had not passed, no judgment or proceeding could well be had upon it, because it might be altered.

A resolution was then read, that passed in the English House of Commons the same day on which the resolution passed, asserting that the Declaratory Law ought to be repealed. The resolution was as follows: “That the interests of the two kingdoms are inseparable, and that their connexion ought to be founded on a solid and permanent basis.”

MR. FLOOD said that these resolutions were worded exactly alike, and both had a future aspect, so as to denote that something was necessary to be done in both cases; that is to say, that the repeal of the Declaratory Law was to be attended with some measures to be taken here, for adding to the constitutional connexion between the two kingdoms, whereas he thought the connexion was at present complete: He added, that throughout the whole debate, ideas of final adjustment and negotiation were talked of. He would therefore propose a resolution, as to the connexion of the kingdoms, (as far as the laws of Ireland are concerned) viz. that a solid basis of permanent connexion does at present subsist between Great Britain and Ireland, inasmuch as they must by law always have one common Sovereign, and that the approbation of that Sovereign under the Great Seal of England, must be had to any bill before it can become a law in Ireland. He said, however, that if the Secretary would say for certainty, that no such idea was held, he would withdraw the resolution.—The Secretary said he had not at that time any such intention, but could not ascertain any thing on the subject.

MR. FLOOD's argument was as follows: Nothing was ever more judicious than the conduct of Great Britain on this occasion. She was so embarrassed abroad, and you were so strong at home, that she could not deny the repeal of the Declaratory Law. Yet it must ever be her wish to retain the principle of it, because it is the principle of power, which no nation has ever relinquished while it could maintain it. What then has she done? By seeming to yield unconditionally to you, she seized on the generous credulity of your nature, and took full advantage of a change in her own

Administration. Her first step was bold, in order to strike your imaginations with something, that seemed to be decisive. She resolved that the Declaratory Law ought to be repealed. She did not say, however, that it ought to be repealed, as having been a false and erroneous Declaration of Law; far from it. Not a man in the British Parliament held such an idea. The very mover and seconder of the resolution said the contrary. I mention them both with honour; I mention the Ministry, the Parliament, and the people of Great Britain, with all honour. I lament, but cannot blame their sentiments on this subject. They declared the constitutional right of the British Parliament to make laws for every part of the empire. One of them said externally. And the other both externally and internally. One said the repeal must be accompanied by a final adjustment; and the other that the law could only be repealed on a principal of compact.

Now this is so far from a renunciation, that it is the very contrary; and a repeal without a renunciation leaves you in effect only where you were. It is a first principle of law, that a Declaratory Act only declares the law to be what it was before; that is to say, that it only declares, and that it does not alter the law.—What follows? That as making a Declaratory Act does not alter law, so neither can the mere unmaking alter law. Or in other words it follows, that if a Declaratory Act is not pronounced to have been an erroneous Declaration of Law, the bare repeal of it can do no other than leave the law in that state in which the Declaratory Act did declare it to have been before such Declaratory Act passed. An enacting statute alters the law when it is made, and consequently when it is re-

pealed it alters the law; that is to say, its enactment makes law, and therefore its repeal unmakes law. Inconsiderate people confound this idea of an enacting, with that of a Declaratory Act, and are imposed on to believe that the repeal of a Declaratory Act unmakes and alters the law, in like manner as the repeal of an enacting statute does; but this is utterly false. The repeal of a Declaratory Law (unless it contains a renunciation of the principle) is only a repeal of the declaration, and not of the legal principle.—The principle remains in full force, unless it be renounced. This is universally true, and it is strengthened in this case by this circumstance. Many acts have been made by the British Parliament binding Ireland, some of them before the Declaratory Law of George the Ist. Now whilst one of these remains, there is an exercise and a proof of the right, stronger by much than the Declaratory Law. A simple repeal, therefore, of the Declaratory Law, is no vindication of your Legislature. But it is argued, that because in your first address you declare that the British Parliament had no such right, therefore the repeal joined to this, will be equal to a renunciation by England. But what man in his senses can believe that our renunciation of the British claim can be equal to her own renunciation of it? Or that in any controversy, an assertion of a party in his own favour, is equal to the admission of his antagonist? If Britain renounces it, no other power on earth can pretend to maintain it. But if all the rest of the world were to deny her pretensions, yet as long as she maintains it, our rights are vindicated, and our constitution is in danger. Will any man say, that if I ask a thing on a particular principle, that therefore if I obtain it at all, it must follow that I obtain it on my own principle? There is no such inference in law, in logic, or

in reason: it would only appear that the two Parliaments had agreed in one point, that of the bare repeal; but it never would appear, without an express renunciation, that they agreed in the renunciation also; and we know the fact to be, that they do not agree with us in that principle. But to put this argument to a decisive proof, let us suppose after such a simple repeal, that at a future day the British Parliament should revive the principle, and make a law for us. Suppose that Ireland should remonstrate on this—Suppose she should read that paragraph of her address, and quote the British repeal of the Declaratory Law, and should argue from both that England had for ever renounced her claim, do you think that England would listen to such an interference, or that any reasoner in Europe would allow the force of the argument? Would she allow you to piece your address to her act of Parliament? If you questioned her Declaratory Act, would she not question your Declaratory Address? Would she not appeal to the language held by her own members? Would she not appeal to words upon your own journals? Would she not appeal to the silence of her law of repeal, and to your acquiescence under that silence? Would she not say that that was virtually a national relinquishment of any idea of renunciation, so that the principle remained not only unrenounced, but the equity of it impliedly admitted by Ireland, at a moment when she was the ablest to contest it?

BUT I shall be asked (though the repeal of the Declaratory Law should be simple and imperfect) whether I think that England will ever revive the claim? I answer, I cannot be certain that she will, neither can I be certain that she will not; and I ask in return, whether any man will be surety that she will not; and if

any man is weak enough to say that he will be so, I will tell him that this nation will not be weak enough to accept of his surety (no mortal is adequate to such a business). I add, that England either has or has not a possible notion of such a revival; if she has not, she will not quarrel about renouncing it; and if she has, the renunciation is absolutely necessary. I add, that if she does not renounce the claim, she certainly may revive it; but that if she does renounce it, she certainly cannot revive it. Yes, you will say, for she might even repeal an act of renunciation; and to argue every thing fairly, I will admit that in the utmost range of possibility such an outrage is not unimaginable; but what do I infer? Not that I should be the more negligent, but that I ought to be the more careful; that it is my duty to make it impossible if I can; and if I cannot do so, that it is my duty to make it next to impossible. It is absurd to say, because I cannot make a thing physically impracticable, that therefore I should leave it morally easy; but it is good sense to say, that I will make a thing as difficult as I can, though I cannot make it as difficult as I would; and that if I cannot make a thing impossible, I will make it next to impossible.

INDEED, on what principle did we enter into this business? It was not surely on the silly notion of getting the force or the good will of England to act on our side, and against herself in this question. That was impossible. What then was our pursuit? To obtain the utmost security that law could give; certain, that if at such a time of extremity, we did not obtain it, we never should be able to obtain it: we had but an alternative, either to rely on the liberality of England, and then to suffer her Declaratory Law to remain, as a thing impotent and never to be exercised;

or in a matter of such stupendous consequence, we were to say, that we would not trust the generosity even of Great-Britain, but that we would have solid and legal security. The latter is certainly the strongest, and the most rational dependance; but though the former be weaker, it is better than neither. Now, in desiring even the repeal of the Declaratory Law, you forfeit the liberality of England, because you do not confide in it; and if you do not carry the matter on until you obtain legal security, you in effect relinquish both; that is to say, you do the very worst thing the case is capable of, so that it would be difficult to say whether your attempt was the most glorious, or the conduct of it the most inadequate and disgraceful. "But the pride of England will be hurt!" I should be sorry for it; either however her pride is contrasted to our security, or it is not; if it is not, our effectuating our security will not hurt her pride; and if it is contrasted to us, we must chuse one of two things, either to hurt her pride, in order to obtain our security, or to relinquish our security in order not to hurt her pride: but if there be a pride on one side, there is a pride also on the other; if there be a pride of England, there is a pride of Ireland too. Now I ask which ought to give way, for one must; and I answer impartially, that which has the worst foundation. Now which is that? The pride of England in this case, is the pride of wrong, and the pride of usurpation. The pride of Ireland is the pride of right, the pride of justice, the pride of constitution. I will not ask you, after that, which ought to give way; but it is wrong to put this question principally upon pride.—England it is true, has a pride in the matter, but she has what she values more, a principle of power. Ireland too, has a pride in the matter; but she has what she ought to value much more, a princi-

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 ple of permanent security. Now that **I** nation will be the wisest in this transaction, that sacrifices her least object, to preserve her greatest, and England will do this precisely, if she can prevail on you to accept of a simple repeal without a renunciation; for in that case she will sacrifice a little pride to preserve all her power; whereas you will, for a petty sacrifice to your pride, forfeit all your security.—“But a confidence in the present Administration ought to stop us”. I deny it, not that I mean to deny or diminish any one of their virtues; I will allow them to have as much ability, power, popularity, and patriotism, as any of their predecessors: To fortify my argument, I will suppose them to have more of every excellence than all their predecessors together; and what do I say then? I ask, are the wisest, honestest, and greatest men of Ireland the men that would soonest relinquish what they thought to be the rights and dignities of Ireland? Certainly not: Are then the wisest, honestest, and greatest men of England, the likeliest to relinquish what they think the rights and dignities of England? Certainly not. Either then the Ministry are such men as I have now been describing, or they are not; if they are not such men, they do not deserve our peculiar confidence in any thing; and if they are such men, they cannot deserve our peculiar confidence in this point, unless their principle and conviction be on our side. Now we know it to be decidedly against us. Why does any country wish for a strong Administration, I ask? Because it makes the country strong. Now was it from the strength of England, that we have gained our advantages, or from her weakness? From her weakness, undoubtedly. How then do we argue? The great strength of Administration gives

great strength to England; but the great strength of England in this case is the weakness of Ireland: And yet if the strength of Administration is her security, these things are impossible.

THIS brings me to what fell from Mr. Fox.—He said, “The measure of the repeal could not stand alone, but must be accompanied by a final adjustment, and by a solid basis of permanent connection between these kingdoms; that some plan of this sort would come from the servants of the Crown in Ireland to the Irish Parliament, that when the result of Parliament was known a treaty might be begun if necessary: if a treaty should proceed, then it would be to be ratified by the two Parliaments, and finally to be completed by irrevocable acts of the respective Legislatures.”—Now I say, if we are to negotiate at present, we are to depart from our original principles: it is not five weeks ago that we all declared that we had made this as a peremptory demand, and that we had nothing in it to negotiate: were we now to begin to negotiate, we should negotiate after great advantages had been obtained against us; for instance, we were desired to specify our wrongs that they might be redressed; we did so, and as we specified for redress, we made our specification as narrow as possible, in order to facilitate redress; but had we specified with a view to negotiation, we must have made our specification as broad as possible, in order to have the greater advantage in negotiation. Our second Address is another advantage gained against us, that is represented even here, and still more will it be held in England to be a repeated restriction on the requisitions of this country. What follows?

That if we were to negotiate now, we must negotiate all on one side, bound up not to make demands, and open only to make concessions. Now a negotiation in which one may give every thing and gain nothing, may be called a negotiation by some men, but by most men it will be called folly: in this too we are to propose though the ~~proposition~~ is to be against ourselves, and we are to propose this through the servants of the Crown, which is still more against us. Now the servants of the Crown will not propose terms for England, till our Parliament is properly prepared for the subject, and we know what that means. If the servants of the Crown and the Parliament cannot be got to go far enough for England, then a treaty is to be begun, in which England will have advantage as to matter, and command as to time. In the stage of ratification she will have more, and in that of completion and consummation still greater advantages; in all of these stages / all the Cabinet and Parliamentary Councils of England will be unanimous on one side, viz. that of England / But the Cabinet and Parliamentary Councils of Ireland will not be unanimous in favour of Ireland, but will in general have a decided majority in favour of England. What equity can there be in such a result? Here are five stages marked out by Mr. Fox, in each of which there may be a final difference of sentiment, and in each of which there may be a necessity for some, and an opportunity for great delay, without any arrangement: this must be dilatory, and with a little dexterity it can easily be spun out to a peace. Now I ask you, what it is that has given you every thing; is it not time? And as time has given you every thing, reflect that time may

also take every thing away from you ; but time is not necessary, negotiation alone is sufficient to undo you : you were not born to be negotiators ; the negotiator is a dark, austere, inexorable character ; you are soft, open, and persuadable ; you have not the detailed knowledge, the systematical procrastination, the suspicious reserve, or the frigid perseverance of a negotiator. When have you negotiated that you have not lost ? You negotiated at the Restoration ; you negotiated at the Revolution ; you negotiated at the Augmentation of your Army ; you negotiated your Free Trade ; you negotiated the Mutiny Bill ! When have you demanded that you have not succeeded in it ; and when have you negotiated that you have not been deceived ?

THERE never was a time which required more consideration than the present : the national exertion began in the last year of Lord Buckingham's administration : it is now drawing to a period, and whether that shall be glorious or otherwise, depends on your wisdom. A short view of what we have done will be a guide to what we should do. ~~We~~ ^{we} had groaned for a century under an encroaching usurpation : the American war broke out, and whilst we were called ~~up~~ ^{upon} to shed our blood for Great-Britain, we were insulted with the application of that principle to Ireland which had revolted America. Our feelings were exasperated by the application, and our trade was ruined by the war : we saw ourselves beggars in fact, and slaves in assertion.—The merchants flew to a non-importation agreement, & ~~the~~ the people flew to arms ! Amidst this perturbation, Parliament assembled, and we amended our Address by the demand of a Free Trade, as we have lately amended our Address by the demand of a Free Constitution ; that is, of an exclusive Legislature, on which all free-

dom of trade must depend.—And therefore it was, that I did originally differ with some gentlemen, for I asserted, that they had not obtained that freedom of trade of which they had boasted, because they had not obtained that freedom of Parliamentary Constitution, without which a freedom of trade could not possibly exist. We received from England a dilatory answer. We shortened our money-grants to the Crown—we shortened them to the subject. And the Irish public creditors, to their immortal honour, embarked so fully with the rights of the nation, as cheerfully to accept of the six months security. This rapid succession of sober and constant efforts struck like lightning on the Ministry and Parliament of England; all obstacles gave way; our demand was to be granted in all its plenitude; all the British statutes restrictive of our foreign commerce were to be repealed, and on that constitutional principle on which alone it would be welcome—a principle, which, in that early period of this question, I took the first opportunity to lay down in clear, unambiguous, and categorical terms. What was that principle? That having a Parliament of our own, our foreign trade was necessarily free, and subject to no restriction as to our ports, but such as our Parliament might impose. This principle, we were told, was admitted by England, as to our foreign trade, and pleaded by her ~~for~~ return, as in her own ports, and those of her Colonies.—We admitted the principle which we claimed, and she said she would open to us her Colony ports, on equal regulations of trade. The tidings of this emancipation, as it was idly called, landed in Ireland. The Post-Office was illuminated by an emissary of the Castle;

the College took fire in the next instance by an happy contagion; and the City caught the flame in a regular and sympathetic succession. All sober consideration was lost in an ignorant clamour, and the steady pulse of the public yielded to a fever of exultation. What was the consequence? England saw that we were surprized at our success—saw that we had asked more than we expected; concluded we would accept of infinitely less, and determined that should be as little as she could. First, then, she determined not to repeal all her laws restrictive of our foreign commerce; yet, whilst an atom of such restriction remains, the total impeachment of your Constitution remains: when, therefore, an artful resolution was prepared for this House, on that occasion, expressive of satisfaction in that enlargement of our *foreign* trade, I exclaimed against *that word*. If you thank the British Parliament, I said, for the enlargement of your foreign trade, you admit she can restrain it: if you admit she can restrain it, you admit her legislative authority; that is, you gain little in *commerce*, and you lose every thing in *constitution*. I object to the word *foreign*, therefore; it belies Ireland, and it deceives Great-Britain. The independent gentlemen of the day, however, did not feel, did not take up the principle; yet, though they did not take it up that day, they have felt it since; and though the word was universally admitted then, there is not a man in the nation that would not reject it now. Such was the first stage of this business. Let us see how much more worse we made it in the progress of Negotiation. The language of England was the language of common sense, Ireland must have equal regulations of trade, she said; but equal taxes on home-consumption she

did not say: equal regulations of trade may subsist between a poor country and a rich one, but equal taxes on consumption cannot. Now what has your negotiation made of it? You have made your arrangement a tax-law in part, which ought to have been a trade-law in the whole; that is to say, instead of a regulation in trade, you made it a regulation against trade, and a severe and a caustic regulation too. What regulation, indeed, can be much more adverse to trade than a heavy tax on a raw material imported for the purpose of trade, and for the end of manufacture. So pernicious are such taxes, that the Ministers in England, whose profusion has brought them on that country, have endeavoured to extenuate their malignity by two regulations. To console the manufacturer, they tell him that they will open to him the foreign market, by giving him a drawback on his manufactures exported, equal to the tax on the imported material. And they tell him besides, that they will shut up for him the home-market, and give him a monopoly of it. — How? By laying a prohibitory duty on the manufacture imported from abroad. And what have they done as to manufactured sugars? They have laid a prohibitory duty upon them when imported into England from any other part of the world, Ireland even not excepted. What have we done? We have laid the same prohibitory duty on* manufactured sugars imported into Ireland from any other part of the world; but we have excepted England, whereas she did not except Ireland. Now, there was much more reason for our excepting England, than there was for her excepting Ireland; and why? Because Ireland could

never, by any possibility, be a rival in sugars to England in the English market; but England is actually a very formidable rival to Ireland in the Irish market.—What is the fact? The Irish manufacturer of sugars has but one rival in the world, and that is the English manufacturer of them? And what have we done? We have given him the full security against all those that are not his rivals; and we have not given it to him against the only manufacturers that are his rivals: we have given him perfect protection where he is in no danger, and we have not given it to him where he is in all danger. We have done worse by him; we have not only ^{not} given him as much security against his only rivals, as against those who are not at all his rivals; but we have not left him as much security against his only rivals, as he always had before; that is to say, the duty on the imported manufacture now bears a less proportion than ever it did before the duty on the imported raw materials. By consequence his peril is greater, as his protection is less; and his security being diminished, his danger is enhanced. But that is not all; you have not done for him what England originally pointed out to you in his favour: She proposed equality as the principle of your regulation of trade; we adopted it religiously in that part to which it was not applicable, and, where it was ~~possible~~, I *permitted* mean in the tax part; and we only deserted *it* in the trade part, where alone it was applicable, and where alone it was beneficial.

SUCH was the spirit in which we negotiated our Free Trade; let us take care how we negotiate ~~her~~ our Free Constitution. But the error of that arrange-

ment does not stop here: its first principle was erroneous; it set out with this maxim—That you were to pay for this as if it were an enlargement; and that you were to pay for it in tax, as if you had not paid for it otherwise before. But what is the truth? The sugars of Spain, Portugal and France would supply your manufactures as well as the British West-Indian islands, and generally better; if, whilst you retained those markets, England had opened her Colony ports too, this would have been a new market, which is always an advantage to the buyer. But what is the case now? You are suffered to go to the Colony market of England, which is the English market in effect, and which is therefore her advantage; but you give up this for all other and some better markets, which is your disadvantage. Instead of its being an enlargement, therefore, this is more properly a restriction; and, instead of England's granting you a boon in this matter, it is you that give her a monopoly. Now, a monopoly is so much against the giver, and so much in favour of the obtainer of it, that no nation in its senses ever gives it to another:—And if a part of an empire gives it to the head, it cannot be on a principle of trade, because a principle of trade is a principle of gain, whereas this is a principle of loss. On what principle alone can it be given on a principle of empire? That is to say, in other words, it is a tax or a tribute, and that of the heaviest nature; but, if you were to pay for it in taxes, besides paying for it by monopoly, it would be absurd to pay for it more than it was worth. Now, take the whole West-Indian commerce; take the utmost proportion of that commerce that could ever fall to your lot; take the utmost proportion of clear profit that can

be supposed to accrue from that quantity of trade, and then take the utmost proportion of what clear profit that can be afforded to Revenue; and I say it would never amount to that sum which you have agreed to pay on the instant for the contingency of this direct trade; with this additional absurdity, that if you should not be able to establish it, these additional duties will be equally payable upon your old circuitous trade, which before was free from them. Will you trust negotiation again? This arrangement cannot be justified on any commercial principles. Was any constitutional advantage obtained by it? Far from it; the very principle of the arrangement is hostile to the Constitution; it gives to the British Parliament a virtual power of taxing you; for what is the principal of it? That when England taxes a Colony produce, you must tax it equally or give up the trade. Thus this arrangement leaves both your trade and your money at the mercy of the Ministry and Parliament of England. Combine this with another law of the same period, the mutiny bill, therefore, and see what the result of both is. You complained that the British Parliament should make even a twelve-month's law for your army; and what did you do to remedy it? You made an act, that she should do it for ever. The two greatest powers in the management of human concerns, are the power of the purse, and the power of the sword. You did by these two laws, for so much delegate away both of these great powers from yourselves to the British Parliament; that is to say, in the very moment that you talked of recovering your own authority, and denying that of the British Legislature, you did every thing you could to strengthen the

power of that Parliament you meant to overthrow, and to weaken the power of that Parliament which you meant to establish. I do not speak these things, in order to say what is disagreeable to any man living, much less to say any thing disagreeable to that body, in defence of whose privileges I have lived these two and twenty years, and in the defence of whose privileges I will die. I speak them from a deep conviction of their necessity. You see how you have been negotiated out of every thing, and how dangerous it is to negotiate again. You see how dangerous it is to exult too soon, or to imagine that any thing of this kind is done, while any thing remains undone. You see what a miserable end was made of Lord Buckinghamshire's last session of Parliament, though it began with so much splendor; and as part of this session has trod the steps of its glory, I would warn the conclusion of it against the steps of its decline. To put a stop, therefore, to the danger of negotiation, and to accelerate the safety of an immediate repeal, and of a final renunciation, I move the resolution I have before stated to you.

COLONEL FLOOD'S
S P E E C H
ON THE REPEAL OF THE
DECLARATORY ACT
OF THE 6th GEORGE 1st.

*As delivered in the HOUSE of COMMONS of IRELAND,
on FRIDAY, the 14th Day of JUNE, 1782.*

I DO not mean to oppose the most liberal interpretation that can be given to the British act of Parliament in question. The Right Honourable Gentleman defends it by saying, that if Ireland had been by name excepted, even that exception of Ireland might have been considered as implying, that if she had not been excepted, she would have been bound; and certainly it would have been exceptionable for that very reason; and for the same reason, the law as now worded is exceptionable: it includes all his Majesty's dominions in Europe, and as Ireland is one of them, it does impliedly include Ireland; both of these methods, therefore, are equally exceptionable. But there was a method of avoiding both of these objections; and if I, a weak and incapable man, can at first sight point out an easy method of doing so, how much more easy would it have been for his Majesty's Ministers to have done so? It might have been worded so as to have included all his Majesty's domini-

ons in Europe, that were subject to the legislative authority of the British Parliament : It would then have been an implied assertion of our Constitution, instead of being now an implied infringement of it. Had the British Parliament renounced the right, she could have no objection to some such form of words ; but she well knew that a repeal of the Declaratory Law is no renunciation of the right : in this, and in every instance she shews an utter reluctance to such a renunciation : now every symptom of such a reluctance on her part, is equal to a thousand demonstrations that such a renunciation is necessary for us. I do not understand the doctrine of clerical mistakes ; how far is it to lead us ? Where is its boundary ? Is it only to hold for the present time, and during the present Ministry ? Or is it to extend to all times and to all Ministeries ? If it is to do the latter, the doctrine is too dangerous to be admitted ; and if the former only, it is too partial. No Minister of England, no Attorney General of Ireland, could desire a more convenient principle, than that the doctrine of the clerical error was to excuse an act of the British Parliament binding Ireland : but such a doctrine would soon leave our Constitution where it was, and would efface the glories we have been acquiring.

THIS brings me to speak of the repeal of the Declaratory Act of George the Ist, as it is now proceeding. In the first place it is an undeniable principle of law, that the mere repeal of a Declaratory Act does not renounce the principle of it ; and it is clear to common sense, that nothing but a final renouncing of the principle of this law, is adequate to our security. With regard to this law of Geo. Ist, the maxim I have mentioned obtains with peculiar force : What is the title of the law ? It is an act for the better securing the dependency of Ireland : on the face of it, therefore, it imports expressly, that

that dependency did before exist, and that by consequence it must continue after, unless renounced: it had, indeed, too strong an antecedent existence, to be destroyed by any weak implications. The first authority of law known to the English Constitution, is that of the great Lord Coke; his authority is expressly against us, and in favour of the English Parliament. Will any lawyer say, that the clear and decided opinion of Lord Coke, in a matter of law, is a thing to be contemned? Add to this a number of statutes made by the English Parliament, and acquiesced in by the Irish nation, antecedent to the Declaratory Law of George the 1st; and will any man be so rash, so foolish, or so corrupt, as to say that such a pretension is to be overlooked? Or that it can rationally be stated to be so void of principle and colour, as that a bare repeal of a subsequent and merely Declaratory Act, can annihilate it? Let no man conceive such a thing.

THE Honourable Gentleman says, that the giving up the final judicature is a decisive proof of sincerity in the British Parliament, because, it cannot be supposed, that our final judicature would carry British laws into execution; but how far does this reasoning go? It shews, indeed, that they think the spirit of this country is so unanimous on this subject at present, as that nobody will appeal to their judicature; or that if any person should appeal, that the decree would be resisted and baffled in the execution of it. They therefore very wisely determine to give up what it is impossible to retain; but tho' this may extend (as long as the present spirit continues) to *internal* final judicature, and to *internal* legislation, yet it does not at all extend to external legislation, or to the final judicature proper to that species of legislation. Now, what is external legislation? It is that species of legislation which Mr. Fox ex-

precisely specifies and asserts, and which not one British Member controverted; that is in other words, it is the whole of commercial and marine legislation. Now what is the final judicature in that? It is the British fleet.—Witness what happened in this kingdom the other day. The spirit of the country was such, that the Commissioners dared not refuse a clearance to a vessel, though freighted with goods prohibited by British acts of Parliament; but though the vessel had her clearance, she could not sail; and why? Because the Stag frigate was in the bay ready to seize and to confiscate. The Hon. Gentleman knows the story to be true, and has quoted the fact himself within these walls. Now, this maritime or external legislation, and this final judicature of the Stag frigate, is a thing which nothing can reach but a formal renunciation of the right on the part of Great-Britain. Is this a situation in which an able general would leave an army; or in which a wise patriot would leave his country? Certainly not. The Hon. Member says, the Royal word is as firm as a Parliamentary renunciation. Does not the Hon. Gentleman know that the words of the King are the words of the Minister, in all constitutional and parliamentary consideration.—How often, in his short experience, has he known that security fail? Did it give us a Judge's bill in Lord Townshend's time? Did it keep 12,000 men in the kingdom ever since? Has it secured economy to us, so often promised and not yet arrived? I will not multiply instances. Now these are cases where the most express words were used in the speech from the Throne, which is the speech of the Minister, and not of the King. In this case, is there any express mention of renunciation? No such thing. Now, if express words have failed, why may not words fail that are not express? Again I ask, Will any man pretend

to affirm, that the declaration of the King can be equal in force to an act of Legislature? No man in his senses can believe it to be so. In the American question what was the doctrine? That if the King wished it ever so much, yet it was not in his power to give up the power of the British Parliament. Did the King ever attempt to make the smallest relaxation, without an act of Legislature to authorize it? I ask the Hon. Member, Whether the King, by a declaration to the British Parliament, could give up any of the rights or pretensions of the Irish Legislature? I am sure he will answer, No. Then, by what rule, I ask, can any declaration of the King to us give up or cancel any pretension of the British Parliament? What authority on earth can be so perfectly adequate to it, as that of the Parliament of Great-Britain itself? But the Hon. Member would not accept a great charter he says from the British Parliament, so jealous he is of its authority; nor would I, provided it contained an assertion of its legislature over us, because that would be nominally a great charter, but really a defeazance and a concealment of our Constitution. Now this is impliedly the case in an act merely and simply of repeal; but if it contained a renunciation of all such authority I would accept of it, because then it would indeed be a great charter; for what was the Great Charter of our early Kings, to their subjects? Was it not in fact a renunciation of the usurpations of those Kings, and nothing more? It was not a donation but a mere recognition of the rights of the subject; which recognition became necessary only in consequence of regal usurpations. Now I ask, Did those Kings, or any other part of mankind ever think that in renouncing those usurpations they re-establish them? No man was ever so frantic as to suppose it. How then could a parallel renun-

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tiation by the British Parliament have any tendency to legalize its usurpation? I will venture to say that a renunciation of all right is the last method that the British Parliament will think of taking by way of establishing her authority over Ireland. And why? Because it is the most effectual method on earth of defeating it: the sound of an English act of Parliament ought not to frighten us out of the sense of it, if the sound of it could be destructive to us: an act of repeal would be as noxious as an act of renunciation; and if the sense of it can be salutary, it is by its being an act of renunciation; any other act may be an exercise of legislation over us, but an act of renunciation cannot be so.

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 THE Honourable Member said, that I had thought on a particular subject till it had ~~been~~ my weakness; may not the remark become applicable to himself? For surely if his zeal on this subject had not outgone even his judgment, great as that is, he would not use arguments on this occasion, which on any other he would reprobate from the lips of any servant of the crown: he would not call a British act of Parliament *including* Ireland a clerical error; he would not say that a speech from the throne is equal to an act of Parliament; that a British act of repeal is a safe exertion of her power towards us, but that an act of renunciation would not be so; he would not say that a renunciation would be a better security, and yet that a repeal is sufficient, in a case where no security can be too great, and in which scarce any is adequate; he would not say that good faith is equal to legal security; or that legal security with the addition of good faith is not better than the latter is alone.

It is not pleasant to me to differ with the Honourable Member, but in this case it is unavoidable; it is one of those cases in which I feel myself impelled by so

strong a duty, that nothing personal either to myself or to others can controul me : and I feel it the more my duty to speak out on this occasion, because I have never ceased to repent my having not done so in Lord Buckingham's administration, with respect to the word *foreign*, which was then inserted in our resolutions ; I will not say with evil design, but certainly with evil example. I differed with the Honourable Member, and others whom I much respect, with regard to that expression. I disapproved of it in the strongest terms in private conference ; they did not perhaps approve, but they did not disapprove of it, and therefore it passed without notice. Since, however, it has been felt, and the objection which the Honourable Member has this day made to the British act, which he has quoted, is, that it seems to assume a power over our *foreign* trade. Now this is the very principle on which I objected then to the word *foreign*, though I was not at that time supported in it ; with this omen, therefore, that I may sometimes differ with the Honourable Member, and not be always in an error, I go on. The Honourable Member says, that we have the faith of nations to depend on. Now as to the faith of nations, I have this to say, that like every thing else, where it is the best thing that can be had, it is good for that reason ; but where it is not the best thing that can be had, it is for the same reason not good : What follows ? That it is good between unconnected nations, because there is nothing stronger between them, (except force) but it is not good between countries connected by civil government, because there is something stronger there, and that is legal security : But what does the faith of nations between unconnected kingdoms amount to, I ask ? To what ! but to perpetuate warfare, and an everlasting appeal to Heaven, as it is called, by a peculiar and a very barbarous prophanation. In short, what is a state of dependence on good faith, other than a state of

nature, which though not a state of war, is yet so liable to it, that it is to avoid its disorder, that we have yielded to the incumbrances of Government. Each of these conditions has some disadvantages; but it would be utterly absurd to retain the disadvantage of both. If we will submit to the insecurity of mere good faith, let us be freed from the burden of Government; but if we are to have the burden of Government, let us take care to have also its security. Look at England, has she trusted to the good faith of Ireland, that Ireland will never desire any other Sovereign, than the Monarch that sits upon the British throne? No, she has got a perpetual Irish law to put it out of doubt. Has England trusted to the good faith of Ireland, that our Parliament should never pass a law disagreeable or disadvantageous to English Government? No, she has got a perpetual Irish law to make it impossible. Does any man think she acted unwisely or illiberally in doing so? No man can think so. How then can it be unwise or illiberal in us to desire a legal security in this point, upon which all other legal security depends. The good faith of Ireland is equal to that of any country in the world; and if her good faith was not a sufficient security to England, with the British superiority of power to support it, how can good faith be a sufficient security to us in our inferiority? When the Stamp Act was repealed, and the Declaratory Act passed as to America, America was told that it was a sacrifice to British pride, and that it never would be exercised. But how long was it before it was exercised? Is there a man in England that would ask America now to be content with the bare repeal of that Declaratory Law? Then why should he ask it of Ireland? Ireland had a Parliamentary constitution, the same as that of England, with an hereditary and ennobled branch of Legislature, invested with final judicature, above three hun-

dred years before any Colony in America had a name : those Colonies have had popular assemblies, it is true, but not Parliaments consisting of King, Lords, and Commons, with all the powers belonging to them. The final judicature of America was never to any of the orders of her Provincial Assemblies, nor to the House of Lords of Great Britain, but to the British Privy Council; yet with these, and a thousand other marks of a distinct kingdom in Ireland, and of a Colony constitution in the American provinces, without analogy of fact, and without inference of argument, Ireland is at this day, as to the legislative claim of the British Parliament, sunk to a level with the Colonies of America; but though she is inargumentatively depressed to that level, where the parallel is injurious to her, she is not lifted up to that level where the parallel would be advantageous. For instance, England says, that constitutionally she has a right to make laws for Ireland, as well as for the American provinces; but when the Declaratory Law is to be given up as to both, a simple repeal is enough for Ireland, whilst an express and a final renunciation is offered to America. This difference can have no foundation in equity or in reason, it can therefore only be grounded on a difference of situation; that is to say, that England is obliged to relinquish more to America than she is compelled to surrender to Ireland, and that neither England nor any other nation ever relinquished any authority they could retain : now I do not blame England for this, because it is the nature of men, but I blame Ireland, if she does not see it, and if she does not know therefore that nothing is relinquished, that is not renounced. I have as great an opinion of the ~~great~~ faith of England as any man, and therefore I wish to have it solemnly pledged. Now a bare repeal, I say, does not pledge her good faith never to exercise the power, because it is not a renunciation

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of it, it is therefore that I desire a renunciation. And why? Because a renunciation will in the first place give all the legal security that the cause is capable of: and because in the next place, it will pledge the good faith of Great Britain expressly, and when it is expressly pledged, I shall be ready to confide in it. A positive promise, is in every case in the world more to be depended on than a constructive one, and the greater the honour of the nation that makes it, the more it is to be confided in, and the more it is to be sought; but a simple repeal is not even a constructive promise. Why is it that in all treaties between unconnected nations the utmost care is taken to use the most explicit terms? It is not because the most explicit terms may not be violated, but it is because the violation of them is highly dishonourable and highly dangerous to the state that is guilty of it. If after the conduct that Ireland has ever held to Great Britain, England should formally renounce her legislative pretension now, and afterwards should attempt to resume it, her own act of Parliament would be her condemnation all over Europe; every cabinet on the Continent would exclaim against her baseness, and would think themselves authorized to assist the oppressed subjects, whom her own act would prove not to be rebels. Every man on every side, and of every description, equally confesses that a renunciation is necessary. The Honourable Gentleman himself, and every other man who is content with a simple repeal, profess that they are so, only because they consider a repeal as being a renunciation; Now this is unanswerable; a renunciation is certainly a renunciation; no body can deny that; but a simple repeal may not be so; one therefore is certain, and the other at best is uncertain. Which shall I prefer in a case of this consequence? But this is not all, a repeal of a Declaratory Law not only may ^{not} be a renunciation of its principle, but I maintain that it certainly is not so; in this I am so

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clear, I stake my character with you for common sense upon the subject. In this I am so clear, that my motion shall be an appeal to the nine Judges of Ireland, and if you please to the twelve Judges of England also upon the point. I have appealed to all the great lawyers in the House, and every one of them has confessed, that a repeal of a Declaratory Law, is not a renunciation of the legal principle. Two only have attempted this evasion; they say that in this case, there was no colour nor principle of law at the bottom of the act, and that therefore when the act is removed nothing can remain; now this is very well on one side of the water, but it is totally false on the other; here we say there was no colour nor principle of law at the bottom of that act, but in England they assert the very contrary. In England therefore they will have a right to say, that after the repeal, the principle will remain: what we may say here will not avail to our security, unless England can be got to concur with us. If England indeed will renounce the principle as we do, the repeal may be sufficient; that is to say, a repeal with a renunciation by England will be sufficient; but a repeal without such a renunciation will not be sufficient. It is but three days ago, that the Honourable Gentleman thought a repeal inadequate, and therefore declared an intention to bring in a Declaratory Irish Law, in order to have the Great Seals of both kingdoms affixed to the recognition of our constitution. What has happened since to render such an intention less necessary? Nothing has been mentioned to diminish the necessity; but some men are found to argue, that our address has bound us to a simple repeal. Now, first I say, that if such an error had been committed in the address, it would be hard that the constitution of a great nation should be irrevocably tied to the dictation of any individual; but I utterly deny the fact; I desire the words of the address to be pointed

2 out that mention a simple repeal of that act as adequate to our views ; and as ~~not~~ such words can be pointed out, I will mention words in it that prove the contrary. The grievance as to this point stated by the address as necessary to be redressed is, not that act alone, but that act and the claims of it : now the repeal may take away the act, but nothing except a renunciation can take away the claims. The claim is the claim of right, or the legal principle either real or assumed. The simple repeal takes away the declaration only, but leaves behind the claim or legal pretension. I say, therefore, that the address is full to the purpose, and that we must misconstrue that address before we can forfeit our constitution ; clear, however, as these things are, I will not affirm that a majority will instantly accede to them, but this I know, that majorities can sometimes err, and that majorities can sometimes change their opinion. What was the first feature of this session of Parliament ? A triumphant majority in support of Lord Carlisle, against any redress of our injuries in Portugal. What followed ? The Hon. Member proposed an alteration of the perpetual Mutiny bill. A rank majority opposed him.—I attempted it in another form ; a rank majority opposed any reformation of it ; it was faction in one, it was disappointed ambition in another ; in both it was any thing but truth and the constitution. What was the cry of the parasites of the Castle ? The Sugar bill and the Mutiny law were such acquisitions to this country, they said, that Ireland had nothing to redress, and that nothing but industry in her people, and gratitude in her Parliament, could now become her. Was not this gab-
ble held, and was it not even popular for a time ? I brought forward, notwithstanding a vindication of your privileges against the manifold perversions of the law of Poyning : And what did I ask of you ? Not implicitly to adopt the sentiments and words of any individual, but

to appoint a Committee of yourselves to examine the authorities I had produced in your behalf, that if I had erred in fact, or in inference, you might not be misled; and that if I had, you might benefit by the proofs, and perpetuate the decaying evidences of your constitution. Yet even such a Committee was denied, not to one but to the Parliament and to the nation. The Hon. Member then brought forward in the form of an Address, an assertion of your exclusive legislature; a huge majority opposed the reception of it. I brought it on again by a resolution then simple, that you yourselves were the only representatives of the people; a huge majority refused to affirm it; these reiterated defeats struck like thunder upon the hearts of the people, and in these decided and stupendous majorities, they thought they saw the death of the constitution. A voice from America shouted to liberty, the echo of it caught your people as it passed along the Atlantic, and they renewed the voice till it reverberated here. What followed? All the propositions that had been separately reprobated were now collectively adopted; the representatives of the people articulated at length the sense of their constituents. The case of Ireland originally stated by the great Molyneaux, and burned at the Revolution by the Parliament of England, is not now afraid of the fire; it has risen from that phœnix urn, and with the flames of its cradle it illuminates our isle! What is the result? It is now in your power, and I trust it will be in your wisdom to do final justice to the rights and interests of your country; for me, I hope I have not been peculiarly wanting to them. At an early period of my life, on a question of embargo, in consequence of a proclamation founded on a British act of Parliament, I brought the criminal Gazette within these walls, and at your bar I arraigned the delinquent. The House was alarmed, and I withdrew my question, on the proclamation's being withdrawn. If you ask why

I did not pursue it to a formal Declaration of Right? I answer, for I wish to be answerable to you for every part of my life; I answer that the time was not ripe for it. The first spring of the constitution is the elective power of the people, till that was reinforced by limiting the duration of Parliaments, little could be done. The people wanted constitutional privilege; till the fabric of usurpation, founded on the law of Poyning, had been shaken to its foundation, little could be done; the Parliament wanted conscious dignity till the people were armed; every thing could not be done, the nation wanted military power. These were necessary antecedents. The public mind wanted much cultivation. The seed, too, was necessary to be sown, and if I have not been wanting to the preparation of the soil, may I not be permitted to watch over the harvest. To that harvest, too, as well as to every other, a prosperous season was necessary, and that season presented itself in the American war.—When, therefore, the Hon. Member, in the sunshine of that season, and of his own abilities, brought forward a Declaration of Rights in Lord Buckingham's government, after that Administration had amended his proposition for the purpose of defeating it, I stepped forward in office as I was, and at the hazard of that office, and rescued the principle from the disgrace of a postponement, or from the ruin of rejection. In this session, too, I hope that my humble efforts have not been peculiarly wanting. In ability I will yield to many, in zeal to none; and, if I have not served the public cause more than many men, this at least I may say, I have sacrificed as much to it. Do you repent of that sacrifice, if I am asked? I answer no. Who could repent of a sacrifice to truth and honour to a country that he loves, and to a country that is grateful? Do you repent of it? No. But I should not rejoice in it, if it were only to be attended with a private deprivation,

and not to be accompanied by all its gains to my country. I have a peculiar right, therefore, to be solicitous and ardent about the issue of it, and no man shall stop me in my progress.

WERE the voice with which I utter this, the last effort of an expiring nature; were the accent which conveys it to you the breath that was to waft me to that grave to which we all tend, and to which my footsteps rapidly accelerate, I would go on; I would make my exit by a loud demand of your rights: and I call upon the God of Truth and Liberty who has often favoured you, and who has of late looked down upon you with such a peculiar grace and glory of protection, to continue to you his inspirings—to crown you with the spirit of his completion, and to assist you against the errors of those that are honest, as well as against the machinations of all that are not so.

MR. FLOOD's motion was, That the opinion of all the Judges be desired on the following question, "Does the repeal of a Declaratory Act amount in legal construction to a repeal or renunciation of the legal principle on which the Declaratory Act grounded itself." The order of the day was called for, and carried without a division.

LORD ABINGDON'S
S P E E C H

ON INTRODUCING HIS BILL FOR A
DECLARATION OF RIGHT
OVER EVERY PART OF THE
BRITISH DEPENDENCIES.

MY LORDS,

HAVING some days ago, signified my intention of troubling your Lordships with a motion respecting the present relative situation of Ireland and this country, I now rise to say a few words more upon that subject. Persuaded as I was, my Lords, that nothing would be left undone, in the adjustment of the claims of Ireland upon this country, by his Majesty's present ministers, that ought to be done, and finding that when those claims were made under the joint concurrence of both Houses of Parliament in Ireland, that they were not only listened to by his Majesty's present Ministers, but were handsomely, liberally, and manfully acceded to by them in every particular; I say manfully, my Lords, because in some cases it is as much a test of manhood to give way, as it is to demand; and I say, in every particular, because nothing was asked that was not granted. I did conceive, that as in music the apt resolution of discords furnishes the most complete and perfect harmony, so the same effect, for the same reason, would as readily and as naturally have been produced here; and conceiving this, that is, supposing instead of discord, concord was to prevail, and instead of dissention unanimity was to succeed, although the affairs of Ireland, from the weight and importance of them, had rested long and much upon my mind, they no longer became the subject of my reflections. But, my Lords, perceiving that I was mistaken in my conception, and that although Ireland had obtained all she had requested, the measure was not complete, nor was the cup yet full, I then took the liberty of suggesting to your Lordships my intention of making the motion which I have just alluded to. But, my

Lords, finding from the lateness of the session, that nothing can be done in consequence of this motion, (and that something must be done I will venture so far to opiate this matter as to presume) the present purpose of my rising is principally to inform your Lordships, that I shall postpone the making of this motion to our next meeting in Parliament, when I shall most assuredly, as early as possible, bring it forward, together with the arguments that I shall then have the honour to submit to your Lordships in the support of it.

But, my Lords, having said this, I still think that the House should not separate without my putting your Lordships in possession of the nature, drift, and tendency of this motion. It is a respect that is due to your Lordships; it is what the House perhaps has a right to look for; and indeed the importance of the motion seems to call for it. Whether it may meet your Lordships ideas, or whether any thing that comes from me can merit the attention of the House, is not for me to determine. All that I can say is, that it proceeds from a most sincere and honest zeal to render myself of as much use to my country as I can, at a time when the assistance of all is required, and the services of none are to be rejected. Under these circumstances then I am to inform your Lordships, that the motion which I shall have the honour to make at a future day, being a motion for leave to bring in a bill; this bill is already prepared, and being prepared, as it not only takes in the substance of this motion, but comprehends the whole of my object, so to give your Lordships the contents of this bill, is to furnish the House with the information which for the present I wish to convey.—And therefore, my Lords, I shall beg leave that the clerk be now permitted to read this bill.

Lord Camden objected to reading a bill, without that bill being regularly moved and brought in, and therefore requested that the noble Lord might order the clerk to read it, as part of his Lordship's speech, which being agreed to, the clerk read as follows:

“Whereas the right to the sovereignty and dominion of the British seas is the real, fundamental, and undoubted prerogative of the crown of this realm, the Kings of England having been (*quatenus* Kings of England) not only universally acknowledged to be the lawful sovereigns of the English seas, but as such have had the uninterrupted sanction of no less than between seventeen and eighteen centuries to countenance and uphold them both in the claim and practice of this right.

“ And whereas, it being to our maritime force that we are indebted, as well for the preservation of this right to the sovereignty and dominion of the seas, as for the protection of our external commerce or foreign trade, for the possession of our valuable colonies and plantations abroad, for our riches, for the improvement of our lands, for the consumption of our manufactures, and for our greatness and power as a nation at home, nay, for the very safety and security of this kingdom itself against the invasion of our enemies, so, this maritime force depending for its very being and existence upon the external commerce or foreign trade of Great Britain and its empire, whilst the power to regulate and controul this external commerce or foreign trade by the Parliament of Great Britain is necessary for the prosperity of this trade or commerce, is essential to the very being and existence of our maritime force; it is a power vested in the Parliament of Great Britain, for the maintenance and support of the prerogative of the Crown in the sovereignty and dominion of the seas.

“ And whereas this right to the sovereignty and dominion of the seas, whence the power of regulating and controuling the external commerce or foreign trade of Great Britain and its empire by the British Parliament is derived, is thus not only the most precious jewel of his Majesty's crown, but next under God the principal means of our safety and wealth: So all true English hearts and hands being bound to keep and preserve the same, even with the uttermost hazard of their lives, their goods, and fortunes;

“ May it therefore please your Majesty, that it may be enacted and declared, and be it enacted and declared, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Parliament of Great Britain hath, ever had, and of sole and exclusive right ought always to have power to make and enact laws and statutes to regulate and controul the external commerce or foreign trade of Great Britain, and of all such kingdoms and countries, parts and places, as now are, or hereafter may be under the sovereignty of, that are annexed to, connected with, or in any wise dependent upon, or whose inhabitants are the subjects of the imperial crown of this realm.

“ Provided nevertheless, that the said laws and statutes so made and enacted, with power to regulate and controul the external commerce or foreign trade of Great Britain and its empire, are not meant or intended directly or indirectly, as laws and statutes for the purpose of raising a revenue, nor for any

other internal use whatever in or over those kingdoms, or countries, parts or places, of whose external commerce or foreign trade such regulations and controul shall be had, but as mere provisions of enlargement to, or matters of restriction upon such trade or commerce as may tend to the common advantage and general good of the whole.

“ And whereas the kingdom of Ireland is not only under the sovereignty of the imperial crown of this realm, and thereby partakes of the benefit of our maritime force in protection and aid of her commerce, but the Western sea in which Ireland is concluded, is a part of the maritime empire of the Kings of England: And whereas by an act made in the 20th year of his present Majesty, entitled, an act ‘To allow the trade between Ireland and the British colonies and plantations in America, and the West Indies,’ the power of regulating and controuling the external commerce or foreign trade of Ireland is taken out of the Parliament of Great Britain (where it of right belongs, and so of right ought to remain) and in manifest violence and open breach of the constitution (inasmuch as the legislative being but a delegated power from the people, those who have it cannot pass it over to others) is vested in the Parliament of Ireland; it is hereby enacted, by the authority aforesaid, that this act, so far as it relates to the taking of this power out of the Parliament of Great Britain, and vesting it in the Parliament of Ireland, shall be, and the same is hereby repealed and made void: But in all other respects, the said act to be and to remain in full force and effect; any thing herein contained to the contrary in any wise notwithstanding: It being in no wise the meaning or intention of this act to deprive the kingdom of Ireland, in this or in any other instance, of that freedom in trade which should in common belong to that country as well as to this, but merely to assert in the Parliament of Great Britain, where also the seat of empire is, the sole and exclusive power of regulation and controul therein.

“ And whereas this prerogative in the Crown to the sovereignty and dominion of the seas, has been exercised not only with respect to the external commerce or foreign trade of Great Britain and its empire, but being acknowledged, and having been exerted even against states totally unconnected with and independent of the imperial Crown of this realm, and this not only too in the case of a general obedience to our flag, but in the instance of our immortal Queen Elizabeth’s having actually “Forbid the King of France to build any more ships of war than he then had, without her leave first had and obtained;” it is hereby further enacted, and by the authority aforesaid, that it neither shall nor may be lawful to nor for any such kingdoms,

or countries, parts or places of the British empire as are above described, to erect or to build any ships or vessels of war, or to support or maintain a navy, any otherwise than under the management and direction of the Lord High Admiral, or the Lords Commissioners of the Admiralty of Great Britain for the time being, and as subject to British acts of Parliament, and to such other and to the same laws and regulations only, as the ships and vessels of war and the navy of Great Britain are."

Such, my Lords, is the nature of this bill, and such the grounds upon which it stands.—The line between Ireland and this country must be drawn; this country demands it as well as Ireland; and who shall say that this is not the line of right between them? The Parliament of Great Britain has nothing to do with the internal Legislation of Ireland, nor of right never had; what it has hitherto usurpedly exercised, it has now honourably surrendered. But, my Lords, the seat of the empire is here: The sea is ours, and as to regulate and controul the commerce of that sea, for the sake of our navy, is the sole and exclusive right of the British Parliament, so to give up that right is to give up the seat of the empire; it is to abolish and annihilate your Parliaments; it is to sever and totally to separate Great Britain from the rest of the British empire, leaving it a country to stand singly and by itself alone; for it is the only tie, it is the only bond of union that now remains to the British empire; it is to place England as to Ireland, not in the relative situation that Ireland was to England, (though this is a condition not to be submitted to on the part of this country) but it is to raise a competition betwixt the two kingdoms, which must infallibly end in the ruin of both: It is that which America never demanded of Great Britain, and which, if she had demanded, friend as I am to America, and a better friend she has not, I had been among the foremost of her enemies: But not satisfied with this, which America readily yielded to you, you want more, and in fighting for that more, you have lost the whole: it is that therefore, which the Parliament of Great Britain can never accede to Ireland, nor part with but in the act of its own dissolution and destruction.

But I am reasoning upon this subject, which I did not intend; and therefore, my Lords, I have at present only to move,

"That this bill may lie on the table for the inspection of your Lordships."